IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT

JODHPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 5288/2005

Himmat Raj Chouhan
Vs.
State of Rajasthan and Others.

Date of Order : 24/04/2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. V.S.Choudhary for the petitioner.
Mr. B.L.Tiwari, Dy.G.A. for respondents.

BY THE COURT:-

By the instant writ petition under Article 226 of the Constitution of India, the petitioner seeks quashing of the order dated 02.9.2005 whereby the order dated 13.7.2005 transferring the petitioner to Panchayat Samiti Bhopalgarh, was cancelled although in the meantime the petitioner had joined his duty at Panchayat Samiti, Bhopalgarh pursuant to order dated 13.7.2005 and is posted at Gram Panchayat, Bagoriya where he joined duty on 28.7.2005.

By order dated 8.9.2005, this Court directed the parties to maintain status-quo as it existed on that date. Learned

counsel for the parties did not dispute that pursuant to the aforesaid status-quo order, the petitioner is still continuing at Gram Panchayat Bagoriya.

Learned counsel for the petitioner has relied upon two decisions of this Court in Gangaram Bishnoi Vs. State and Ors. reported in WLR 1994 Raj. 537 and Narpat Singh Rajpurohit Vs. State of Rajasthan reported in WLR 1991 (S) Raj. 136 in which this Court held that once an order of transfer has been executed and implemented it should not be cancelled although the respondents could pass fresh order of transfer transferring the employee if it was considered necessary in the exigency of administration.

Keeping in view the aforesaid decisions of this Court, in my view, since the order dated 13.7.2005 transferring the petitioner has been executed and implemented, it could not have been cancelled and therefore, the order dated 2.9.2005 cancelling the order dated 13.7.2005 deserves to be quashed and set aside.

In the result, the writ petition is allowed. The order dated 2.9.2005 Annex.7 cancelling the order dated 13.7.2005 is quashed and set aside. However, it is made clear that the

respondents are at liberty to pass a fresh order of transfer if it is considered necessary to do so in the exigencies of administration. There shall be no order as to costs.

(H.R.PANWAR),J.

rp